

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

KIMBERLY P.,

Plaintiff,

V.

C.A. No. 1:20-CV-00375-MSM-LDA

KILOLO KIJAKAZI,
Acting Commissioner of the Social
Security Administration,

Defendant

ORDER

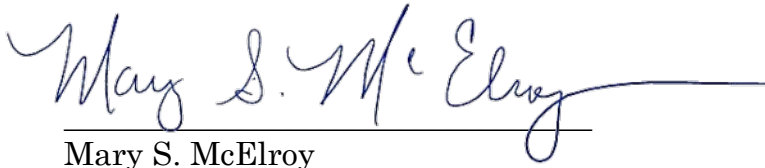
Mary S. McElroy, United States District Judge.

On October 22, 2021, Magistrate Judge Lincoln D. Almond issued a Report and Recommendation (“R&R”), (ECF No. 20), which recommended that the Court grant Plaintiff’s Motion to Reverse the Decision of the Commissioner (“Motion to Reverse”), (ECF No. 14) and deny Defendant Kilolo Kijakazi’s Motion to Affirm the Decision of the Commissioner. (ECF No. 17). Specifically, Judge Almond found that the Administrative Law Judge’s (“ALJ”) findings at step two of the five step analysis was not supported by substantial evidence as the ALJ failed to include bipolar I disorder with psychotic features as a severe impairment. Further, Judge Almond concluded that the Commissioner had effectively conceded error on this point by failing to respond substantively to that argument.

After having carefully reviewed the relevant papers and having heard no objections the Court ACCEPTS the R&R and ADOPTS the recommendations and

reasoning set for therein. Accordingly, Plaintiff's Motion to Reverse (ECF No. 14) is GRANTED, Defendant's Motion to Affirm (ECF No. 17) is DENIED. Final Judgment shall enter in favor of the Plaintiff. The matter is remanded for further administrative proceedings consistent with this decision.

IT IS SO ORDERED.

A handwritten signature in blue ink, reading "Mary S. McElroy", followed by a horizontal line extending to the right.

Mary S. McElroy
United States District Judge
January 12, 2022